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June 5, 1995

JUN 5 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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Attention: Allocations Branch

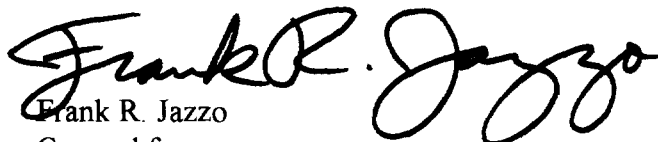
Re: MM Docket No.95-44
RM-8602
Fair Bluff, North Carolina

Dear Mr. Caton:

Transmitted herewith, on behalf of S.O.S. Broadcasting, are an original and four copies of its "Comments and Expression of Interest" in the above-referenced proceeding.

Should any questions arise concerning this matter, please contact this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Frank R. Jazzo
Counsel for
S.O.S. Broadcasting

Enclosure

cc: Service List (w/enc.)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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JUN 9 1995

In the Matter of

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Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Fair Bluff, North Carolina)

MM Docket No. 95-44
RM-8602

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To: Chief, Allocations Branch

**COMMENTS AND EXPRESSION
OF INTEREST**

S.O.S. Broadcasting ("S.O.S."), by its attorneys, hereby submits its Comments in response to the Notice of Proposed Rule Making in MM Docket No. 95-44, DA 95-725, released April 14, 1995 ("NPRM"). In support thereof, the following is stated:

1. The NPRM was issued in response to a petition for rulemaking filed by Atlantic Broadcasting Co., Inc. ("Atlantic"), licensee of WDAR-FM, Darlington, South Carolina. WDAR-FM currently operates with directional facilities on Channel 288C3. Atlantic requested that the Channel 287A allotment at Fair Bluff, North Carolina, be deleted, or in the alternative, that a significant site restriction be imposed, to accommodate omnidirectional operation by WDAR-FM from its existing transmitter site.
2. In response to Atlantic's petition for rulemaking, the NPRM proposes to delete Channel 287A at Fair Bluff, North Carolina, if no party expresses an interest in use of the channel during the comment period in this proceeding. In the alternative, the NPRM proposes to

impose a site restriction 12.7 kilometers (7.9 miles) northeast of Fair Bluff. From the restricted reference coordinates (34°21'22"N; 78°54'36"W), a Fair Bluff FM would be short-spaced to the presently licensed facilities of WYNA(FM), Tabor City, North Carolina, and WNMB(FM), North Myrtle Beach, South Carolina. The channels of operation of both stations have been modified in separate rulemakings, which when fully implemented should eliminate the Fair Bluff short-spacing.

3. S.O.S. hereby expresses its interest in filing an application for a construction permit for a new FM station on Channel 287A at Fair Bluff, North Carolina. In the event it is awarded a construction permit for a new FM station on Channel 287A at Fair Bluff, S.O.S. intends expeditiously to construct a new FM station there.

4. S.O.S. opposes the imposition of a 7.9 mile northeast site restriction on the Fair Bluff channel. Given the limited principal community contour coverage capability of a Class A FM station, such a site restriction could seriously impair the viability of the channel. Given the current general local regulatory difficulties in establishing transmitting tower sites, the site restriction proposed may make it extremely difficult, if not impossible, to locate an acceptable site.

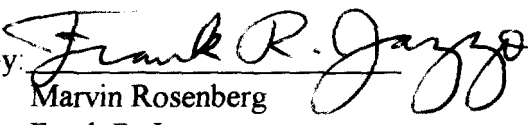
5. In principle, the Commission prefers the establishment of new broadcast service over the enhancement of existing service. Andalusia, Alabama, 49 Fed. Reg. 32201 (1984). Atlantic has not shown that imposition of a severe site restriction on the Fair Bluff allotment is the only means of achieving omnidirectional operation for WDAR-FM. Nor has Atlantic shown that WDAR-FM's current coverage is inadequate. Accordingly, S.O.S. opposes the proposed site restriction on the Fair Bluff allotment because it may seriously hamper its ability to implement

Fair Bluff's first local FM service.

WHEREFORE, for the foregoing reasons, S.O.S. urges the Commission to maintain the Channel 287A allotment at Fair Bluff, North Carolina, as that community's first local FM service. S.O.S. opposes the imposition of a site restriction on that channel. S.O.S. intends to apply for and construct a new FM station at Fair Bluff.

Respectfully submitted,

S.O.S. BROADCASTING

By: 
Marvin Rosenberg
Frank R. Jazzo

Its Attorneys

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June 5, 1995.

CERTIFICATE OF SERVICE


I, Nancy Evans, an employee of Fletcher, Heald & Hildreth, P.L.C., hereby certify that copies of the attached "COMMENTS AND EXPRESSION OF INTEREST" were filed with the Federal Communications Commission on June 5, 1995, and served on that same day by first class U.S. mail, postage prepaid, to the following:

Ms. Leslie K. Shapiro*
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